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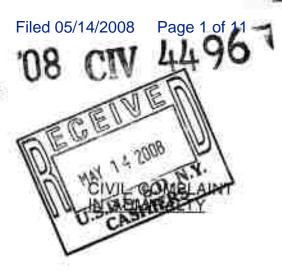
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
CMA CGM (AMERICA) LLC.

Plaintiff,

against -

ARUVIL INTERNATIONAL, INC.,

Defendant.



Plaintiff CMA CGM (AMERICA) LLC, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant ARUVIL INTERNATIONAL, INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

- This is an admiralty and maritime claim within the meaning of Rule
   9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of
   1999, 46 U.S.C., App. Section 1701, et seq.
- At all times hereinafter mentioned, plaintiff CMA CGM (AMERICA) LLC was and still is a corporation organized and existing under the laws of the State of New Jersey with offices and a place of business at 5701 Lake Wright Drive, Norfolk, VA 23502.
- Upon information and belief and at all times hereinafter mentioned, defendant ARUVIL INTERNATIONAL, INC. was and still is a corporation organized and existing under the laws of the State of New York, with offices and a place of business at 185 Madison Avenue, Suite 1600, New York, NY 10016.
- From February of 2004 to the present, plaintiff was and is a common carrier by water in the foreign commerce of the United States.
- 5. During the period from February, 2004 to the present, defendant was the consignee and/or notify party on bills of lading issued by plaintiff by which defendant would receive goods carried on plaintiff's Vessels from the ports of loading to New York.

- 6. Defendant would remove the goods from the port, and would be Case 1:08-cv-04496-PAC Document 1 Filed 05/14/2008 Page 2 of 11 obligated to return the shipping containers in which the goods were carried to plaintiff within five working days of removal from the port or be subject to <u>per diem</u> charges for each day the equipment was not returned to plaintiff, as per plaintiff's tariff and bill of lading.
- From February, 2004 to the present, defendant incurred per diem charges totalling \$2,761.00 as per Exhibits A1-A9, annexed hereto.
  - 8. Plaintiff has performed all acts required to be performed by plaintiff.
- Defendant has failed and refused and continues to fail and refuse to remit payment of \$2,761.00, although duly demanded.
- By reason of the foregoing, plaintiff has sustained damages in the amount of \$2,761.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

- For judgment in the amount of \$2,761.00, together with interest thereon, costs, disbursements and a reasonable attorney's fee.
- That process in due form of law according to the practice of this
  Court in cases of admiralty and maritime jurisdiction may issue against the defendant
  citing it to appear and answer all the singular matters aforesaid.
- That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York

May 12, 2008

LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES

By

Albert J. Availone AA1679

Attorneys for Plaintiff

CMA CGM (AMERICA) LLC 551 Fifth Avenue, Suite 1625

New York, NY 10176

(212) 696-1760

COA COM (AMERICA) INC NORFCLK-WA-20509

END CASE WEIGHT DRIVE Case 1:08-cv-04496-PAC

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Filed 05/14/2008 Page 3 of 11

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FAX: 18775348419

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